

111TH CONGRESS  
1ST SESSION

# S. 1306

To provide for payment to the survivor or surviving family members of compensation otherwise payable to a contractor employee of the Department of Energy who dies after application for compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JUNE 19, 2009

Mr. BUNNING (for himself and Mr. ALEXANDER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To provide for payment to the survivor or surviving family members of compensation otherwise payable to a contractor employee of the Department of Energy who dies after application for compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Energy Employees Oc-  
3 cupational Illness Compensation Program Improvement  
4 Act of 2009”.

5 **SEC. 2. PAYMENT OF COMPENSATION TO SURVIVORS OF**  
6 **DEPARTMENT OF ENERGY CONTRACTOR EM-**  
7 **PLOYEES.**

8       (a) IN GENERAL.—Section 3672 of the Energy Em-  
9 ployees Occupational Illness Compensation Program Act  
10 of 2000 (42 U.S.C. 7385s–1) is amended to read as fol-  
11 lows:

12 **“SEC. 3672. COMPENSATION TO BE PROVIDED.**

13       “Subject to the other provisions of this subtitle:

14       “(1) CONTRACTOR EMPLOYEES.—

15               “(A) IN GENERAL.—A covered DOE con-  
16 tractor employee shall receive contractor em-  
17 ployee compensation under this subtitle in ac-  
18 cordance with section 3673.

19               “(B) COMPENSATION AFTER DEATH OF  
20 CONTRACTOR EMPLOYEE.—

21               “(i) IN GENERAL.—Except as pro-  
22 vided paragraph (2)(B), if the death of a  
23 contractor employee occurs after the em-  
24 ployee applies for compensation under this  
25 subtitle but before such compensation is  
26 paid, the amount of compensation de-

scribed in clause (ii) shall be paid to a survivor (as that term is used in section 3674) of the employee or, if the employee has no such survivors, to the surviving family members of the employee in accordance with the procedures set forth in section 3628(e)(1).

“(ii) AMOUNT OF COMPENSATION.—  
The amount of compensation described in this clause is the amount of compensation the contractor employee would have received pursuant to section 3673(a), except that if the Secretary cannot determine the minimum impairment rating of the employee under paragraph (1) of such section as a result of the death of the employee, such compensation shall not include compensation pursuant to such paragraph.

“(2) SURVIVORS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) or paragraph (1)(B), a survivor of a covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3674.

1           “(B) ELECTION OF CONTRACTOR EM-  
 2           PLOYEE COMPENSATION OR SURVIVOR COM-  
 3           PENSATION.—A survivor who is otherwise eligi-  
 4           ble to receive compensation pursuant to both  
 5           subparagraph (A) and paragraph (1)(B) shall  
 6           not receive compensation pursuant to both sub-  
 7           paragraph (A) and paragraph (1)(B), but shall  
 8           receive compensation pursuant to subparagraph  
 9           (A) or paragraph (1)(B), as elected by the sur-  
 10          vivor.

11          “(C) COMPENSATION AFTER DEATH OF  
 12          SURVIVOR.—If the death of a survivor occurs  
 13          after the survivor applies for compensation  
 14          under this subtitle but before such compensa-  
 15          tion is paid and, in the case of compensation  
 16          pursuant to paragraph (1)(B), there are no  
 17          other survivors (as that term is used in section  
 18          3674) of the employee, the amount of com-  
 19          pensation the survivor would have received  
 20          under this section shall be paid to the surviving  
 21          family members of the employee in accordance  
 22          with the procedures set forth in section  
 23          3628(e)(1).”.

24          (b) APPLICABILITY.—The provisions of section 3672  
 25          of the Energy Employees Occupational Illness Compensa-

1 tion Program Act of 2000 (42 U.S.C. 7385s–1), as  
2 amended by subsection (a), shall apply to applications for  
3 compensation under subtitle E of such Act filed before,  
4 on, or after the date of the enactment of this Act.

